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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,324	12/01/2000	Robert P. Enns	Juniper-10 (JNP-0044)	3838
26479	7590	07/27/2005	EXAMINER	
STRAUB & POKOTYLO 620 TINTON AVENUE BLDG. B, 2ND FLOOR TINTON FALLS, NJ 07724			DUONG, THOMAS	
			ART UNIT	PAPER NUMBER
			2145	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/734,324

Applicant(s)

ENNS, ROBERT P.

Examiner

Thomas Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-11, 13-20, and 22-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-11, 13-20, and 22-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Request for Continued Examination***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.
2. Amendment received April 1, 2005 has been entered into record. *Claims 2-11, 13-20, and 22-33* remain pending.

### ***Response to Amendment***

3. This office action is in response to the applicants Amendment filed on April 1, 2005. Applicant added *claims 32-33*. *Claims 2-11, 13-20, and 22-33* are presented for further consideration and examination.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 2-9, 13-18, 20 and 22-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Malik et al. (US006349306B1).

6. With regard to claims 4, 13-14, 20, 22-24 and 25-26, Malik discloses,

- *accepting at least a part of a selected one of at least one set of configuration information for a data forwarding device; (Malik, col.4, lines 1-3; col.5, line 54; col.9, lines 20-25; fig.1)*

Malik teaches of using the user created/edited configuration for comparison with the current implemented configuration in the network device. Furthermore, the meaning of the limitation *"configuration information has not been saved"* is synonymous with *"candidate configuration"*.

- *accepting at least a part of a set of candidate configuration information for the data forwarding device; and (Malik, col.1, lines 22-27; col.4, lines 1-3; col.9, lines 20-25; fig.1)*

Malik teaches of retrieving/capturing the current actual configuration from a network device such as a router for comparison with a new configuration to be implemented in the router. Furthermore, the meaning of the limitation *"configuration information has been saved"* is synonymous with *"configuration information"*.

- *determining differences, if any, between*
  - *the at least the part of the set of candidate configuration information for the data forwarding device, and*

- *the at least the part of the selected one of the at least one set of configuration information for the data forwarding device.* (Malik, col.4, lines 1-3; col.5, line 57; col.8, line 57 col.9, line 31; col.9, lines 20-25; fig.1)

Malik teaches of using the user created/edited configuration for comparison with the current implemented configuration in the network device. Furthermore, Malik teaches of retrieving/capturing the current actual configuration from a network device such as a router for comparison with a new configuration to be implemented in the router after passing the verification step and authorized by a user with appropriate access right to the router.

- *wherein the set of candidate information configuration for the data forwarding device includes a plurality of statements,* (Malik, col.1, lines 22-27; col.4, lines 1-3; col.9, lines 20-25; fig.1)
- wherein a first statement of the plurality of statements of the set of candidate configuration information for the data forwarding device contains a second statement of the plurality of statements to define at least a part of a hierarchical configuration, (Malik, col.3, lines 46-51; col.4, lines 8-12; col.6, lines 31-35, lines 39-47; fig.3)

Malik refers to “*a list of attributes in the configuration and their instance IDs, if any*” (Malik, col.6, lines 31-35). This implies that a particular attribute may contain one or more sub-attributes. Hence, Malik implies the “*hierarchical configuration*” as claimed by the Applicants. This “*hierarchical configuration*” is shown in figure 3 where the attributes with sub-attributes are shown with a distinctive underscore. Also, Malik refers to the Dev patent (U.S. Pat. No. 5,261,044) which also illustrates the “*hierarchical configuration*” in its figure 3.

Furthermore, Malik refers to the configuration file implemented in routers by networking companies (i.e. Cisco Systems) and it is well known in the networking art that the routers' configuration files follow a hierarchical structure.

- *wherein the selected set of configuration information for the data forwarding device includes a plurality of statements, and* (Malik, col.4, lines 1-3; col.5, line 54; col.9, lines 20-25; fig.1)
- *wherein a first statement of the plurality of statements of the selected set of configuration information for the data forwarding device contains a second statement of the plurality of statements to define at least a part of a hierarchical configuration.* (Malik, col.3, lines 46-51; col.4, lines 8-12; col.6, lines 31-35, lines 39-47; fig.3)

7. With regard to claims 2-3, 27-28 and 29-33, Malik discloses,

- *wherein the selected one of at least one set of configuration information for a data forwarding device is a most recently committed set of configuration information for the data forwarding device.* (Malik, col.9, lines 20-25)

Malik teaches using the user created/edited configuration for comparison with the current actual configuration from a network device such as a router.

- *wherein the selected set of configuration information for a data forwarding device is selected by a user.* (Malik, col.9, lines 20-25)

Malik teaches using the user created/edited configuration for comparison with the current actual configuration from a network device such as a router.

8. With regard to claims 5-9 and 15-18, Malik discloses,

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- *wherein the at least the part of the set of candidate configuration information only includes a defined first statement and any of the plurality of statements that are descendants of the defined first statement in the hierarchical configuration, and wherein the at least the part of the selected set of configuration information includes a corresponding first statement and any of the plurality of statements that are descendants of the defined first statement in the hierarchical configuration.* (Malik, col.9, lines 20-25)

Malik teaches using the user created/edited configuration for comparison with the current actual configuration from a network device such as a router.

Furthermore, claims 5-9 and 15-18 describe the act of editing a network device's configuration (i.e. a router's configuration). This is well known to one of ordinary skill in the art at the time the invention was made.

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 10-11 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malik et al. (US006349306B1).
11. With regard to claims 10-11 and 19, Malik discloses,

- *accepting at least a part of a selected one of at least one set of configuration information for a data forwarding device; (Malik, col.4, lines 1-3; col.5, line 54; col.9, lines 20-25; fig.1)*

Malik teaches of using the user created/edited configuration for comparison with the current implemented configuration in the network device. Furthermore, the meaning of the limitation *"configuration information has not been saved"* is synonymous with *"candidate configuration"*.

- *accepting at least a part of a set of candidate configuration information for the data forwarding device; and (Malik, col.1, lines 22-27; col.4, lines 1-3; col.9, lines 20-25; fig.1)*

Malik teaches of retrieving/capturing the current actual configuration from a network device such as a router for comparison with a new configuration to be implemented in the router. Furthermore, the meaning of the limitation *"configuration information has been saved"* is synonymous with *"configuration information"*.

- *determining differences, if any, between*
  - *the at least the part of the set of candidate configuration information for the data forwarding device, and*
  - *the at least the part of the selected one of the at least one set of configuration information for the data forwarding device. (Malik, col.4, lines 1-3; col.5, line 57; col.8, line 57 col.9, line 31; col.9, lines 20-25; fig.1)*

Malik teaches of using the user created/edited configuration for comparison with the current implemented configuration in the network device. Furthermore, Malik teaches of retrieving/capturing the current actual configuration from a network

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device such as a router for comparison with a new configuration to be implemented in the router after passing the verification step and authorized by a user with appropriate access right to the router.

- *wherein the act of accepting at least a part of a selected one of at least one set of configuration information for a data forwarding device is performed by accessing a storage device of the data forwarding device, (Malik, col.3, lines 54-62; col.4, lines 1-3; col.9, lines 20-25)*
- *wherein the act of accepting at least a part of a set of candidate configuration information for the data forwarding device is performed by accessing a storage device of the data forwarding device; and (Malik, col.3, lines 54-62; col.4, lines 1-3; col.9, lines 20-25)*
- *wherein the act of determining differences, if any, between*
  - *the at least the part of the set of candidate configuration information for the data forwarding device, and*
  - *the at least the part of the selected one of the at least one set of configuration information for the data forwarding device, is performed by a component of the data forwarding device (Malik, col.4, lines 1-3; col.5, line 57; col.9, lines 20-25; fig.1)*

Malik teaches using the user created/edited configuration for comparison with the current actual configuration from a network device such as a router.

Malik reference teaches of using the user created/edited configuration for comparison with the current implemented configuration in the network device such as the router. Malik teaches of retrieving/capturing the current actual configuration from a network device such as a router for comparison with a

new configuration to be implemented in the router after passing the verification step and authorized by a user with appropriate access right to the router. Hence, at least one of the configurations to be compared is stored on the router.

However, Malik does not explicitly disclose,

- *is performed by a component of the data forwarding device.*

Common knowledge in the networking art teaches,

- *is performed by a component of the data forwarding device.*

It is well known in the networking art that a computing device (i.e. computer) can be designated as a routing device similar to a router with the use of multiple NIC cards. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Malik with the teachings of common knowledge in the networking art to present a computing device that is able to compare and determine the differences between the committed and the potential configurations, while performing routing functions at the same time.

### ***Response to Arguments***

12. Applicant's arguments with respect to *claims 4, 10-11, 13-14, and 22-26*, have been considered but are not deemed persuasive.

### ***Conclusion***

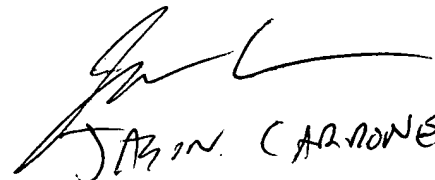
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 571/272-3911. The

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examiner can normally be reached on M-F 7:30AM - 4:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 571/272-6159. The fax phone numbers for the organization where this application or proceeding is assigned are 703/872-9306 for regular communications and 703/872-9306 for After Final communications.

*Thomas Duong (AU2145)*

*July 22, 2005*

  
JASON CARROWE  
PRIMARY EX.  
AU: 2145